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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/557,603	11/22/2005	Dino Girardi	A-9789	6075
7590 Christopher J McDonald Hoffman Wasson & Gitler Crystal Center 2 Suite 522 2461 South Clark Street Arlington, VA 22202			EXAMINER WENDELL, MARK R	
			ART UNIT 3635	PAPER NUMBER
			MAIL DATE 09/17/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/557,603

Applicant(s)

GIRARDI, DINO

Examiner

MARK R. WENDELL

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 14 is objected to because of the following informalities: The language "wherein the coupling elements, wherein each coupling elements..." is confusing and should be made more clear. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 8 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Couto (WO 9706322) in view of McCluer (US 5031372) and Campagnari (US 5904018). Regarding claims 1, 10, 12-15, Couto illustrates in Figures 1 and 5 a complex of structural elements for forming glass brick walls comprising:

- A substantially C-shaped aluminum profile bar (1 and 2) for bounding the wall around the perimeter, the profile bar having a central web (center portion) and a pair of side wall;

- A plurality of dividers (4) horizontally separating each glass brick from the adjacent one and having at least their exposed longitudinal edges made of aluminum;
- A plurality of horizontal aluminum stringers (3) consisting of a horizontal web (middle channel bottom) provided at least along one longitudinal edge with a T-shaped appendix (outer edge of item 3), said web being provided at regular intervals with seats (outwardly extending pegs shown in Figure 5) for fixing the uprights of said dividers (4), said stringers being provided at their ends with elements (outwardly extending pegs) to be removably coupled to the interior of the vertical C-shaped profile bars.
- The central web (assumed to be the same as the horizontal web) of the stringer (3) having cylindrical portions (8) for fixing the coupling elements.

The examiner notes that the cylindrical portions are used to fix elements together (2 and 3) and screws are also used (see Figures 1 and 5) to couple the structure to the wall or floor. Additionally, regarding claim 10, the coupling elements (8) have a curved portion since they are cylindrical and a straight portion which is the horizontal axis.

However, the Couto reference does not distinctly disclose the C-shaped profile bar having two parallel longitudinal ribs on the inner surface of the sidewalls. McCluer illustrates in Figure 2 a C-shaped profile bar (20) with ribs (24) that are located on the interior of the sidewalls (26) and used for further securing the glass panel within profile bar (see Figure 1). It would have been obvious to one having ordinary skill in the art at the time of invention to position the attachment portion of McCluer into the C-shaped

profile bar of Couto, as Campagnari does in Figure 1, in order to have a better, more stable securement between the glass panel and the frame.

The examiner also notes that the stringer of Couto does not provide a cylindrical cavity; rather it provides a cylindrical protrusion that fits into a cylindrical cavity within the profile bar. The protrusion and cavity are merely reversed within the prior art reference. It has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art (In re Einstein, 8 USPQ 167).

Regarding claim 4, Couto illustrates in Figure 3 an H-shaped profile bar (4), the flanges (end portions of 4 extending above and below element 10) of which embrace two back-to-back C-shaped profile bars (1 and 3), and which is also provided with two U-shaped appendices (9) which when assembled form a seat for the insertion of a head provided at the end of a pin (8).

Regarding claim 6, it is described above what is disclosed by Couto, however the reference illustrates the stringer fixing seat consisting of pegs or protrusions which engage holes within the profile bar and dividers. It would have been obvious to one having ordinary skill in the art at the time of invention to have the protrusions on the profile bars and dividers the holes within the stringer, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art (In re Einstein, 8 USPQ 167).

Regarding claim 7, the reference teaches the divider having a ladder-shaped spacer (10), however fails to teach the divider having coupling elements attached thereto to engages the profile bar. The horizontal channel has the coupling elements along with the coupling elements attached to the ends of the horizontal stringer. It would have been obvious to one having ordinary skill in the art at the time of invention to add additional pegs and recesses to the spacers for further stability and strength of the structure.

Regarding claim 8, Couto illustrates in Figure 3 the divider (4) being made of wood (Page 2, lines 12-14) with seats (9) at the end for snap engagement of an appendix (1 or 3).

Regarding claim 9, Couto does not distinctly teach the use of a rubber gasket within the stringer to retain the glass brick; however rubber gaskets are commonly used and well known in the art because of there ability to retain objects and seal gaps. It would have been obvious to one having ordinary skill in the art at the time of invention to insert a rubber gasket into the stringer groove in order for better retention of the glass bricks within the wall. (See patents 2281524, 5218806, 5042210 and 2542581).

Regarding claim 11, the coupling elements are, if necessary, removably attached to the stringers.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Couto (WO 9706322) in view of McCluer (US 5031372) and Campagnari (US 5904018) as in claim 1, and in further view of Hardman et al. (GB 2365882). Regarding claim 2, it is described above what is disclosed by Couto in view of McCluer and Campagnari; however the references do not teach the specifics of the coupling element. Hardman illustrates in Figure 6 a coupling element that is substantially rectangular with minor sides (26 and 28) having flat (top) and curved side and having slotted holes (30, 32, 36). It would have been obvious to one having ordinary skill in the art at the time of invention to modify the system of Couto in view of McCluer and Campagnari with the coupling elements of Hardman in order for better securement of the glass and frame.

Regarding claim 3, Hardman illustrates in Figures 5 and 6 and discloses on Page 7, a bar (34) provided in its minor sides (26, 28) with slotted holes (36a and 36b) terminating with an eyelet through which pins (24) are inserted to be axially engaged in said holes by nuts (or larger end of the pin).

Response to Arguments

Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MARK R. WENDELL** whose telephone number is (571)270-3245. The examiner can normally be reached on Mon-Fri, 7:30AM-5PM, Alt. Fri off, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./
Supervisory Patent Examiner, Art
Unit 3635

/M. R. W./
Examiner, Art Unit 3635
September 9, 2008